

JOURNAL OF THE SENATE

NINETY-FIRST SESSION

TWENTY-FIFTH DAY

STATE OF SOUTH DAKOTA
Senate Chamber, Pierre
Monday, February 22, 2016

The Senate convened at 2:00 p.m., pursuant to adjournment, the President presiding.

The prayer was offered by the Chaplain, Pastor Dan Bader, followed by the Pledge of Allegiance led by Senate pages Joanna Hancock and John Eilertson.

Roll Call: All members present except Sen. Van Gerpen who was excused.

APPROVAL OF THE JOURNAL

MR. PRESIDENT:

The Committee on Legislative Procedure respectfully reports that the Secretary of the Senate has had under consideration the Senate Journal of the twenty-fourth day.

All errors, typographical or otherwise, are duly marked in the temporary journal for correction.

And we hereby move the adoption of the report.

Respectfully submitted,
Gary Cammack, Chair

Which motion prevailed.

1 The oath of office was administered by the President to the following named persons:

2 Pages – Kallie Carey, John Eilertson, Joanna Hancock, Trey Jones, Kassidy Kitzmiller,
3 Lynsey Klunder, Shale Kramme, Zachary Renshaw, Andrew Silva, Megan Simon,
4 Joshua Weinheimer.

5 Which was subscribed to and placed on file in the office of the Secretary of State.

6 **REPORTS OF STANDING COMMITTEES**

7 MR. PRESIDENT:

8 The Committee on Legislative Procedure respectfully reports that SB 7, 12, 13, 15, 27, 28,
9 85, and 103 were delivered to his Excellency, the Governor, for his approval at 9:15 a.m.,
10 February 22, 2016.

11 Respectfully submitted,
12 Gary Cammack, Chair

13 Also MR. PRESIDENT:

14 The Committee on Local Government respectfully reports that it has had under
15 consideration HB 1119 and returns the same with the recommendation that said bill do pass.

16 Also MR. PRESIDENT:

17 The Committee on Local Government respectfully reports that it has had under
18 consideration HB 1004 and 1071 and returns the same with the recommendation that said bills
19 do pass and be placed on the consent calendar.

20 Respectfully submitted,
21 Bob Ewing, Chair

22 Also MR. PRESIDENT:

23 The Senate Committee on Appropriations respectfully reports that it has had under
24 consideration SB 153 and returns the same with the recommendation that said bill do NOT pass.

25 Respectfully submitted,
26 Deb Peters, Chair

1 Also MR. PRESIDENT:

2 The Joint Committee on Appropriations respectfully reports that it has had under
3 consideration SB 150 and returns the same with the recommendation that said bill be amended
4 as follows:

5 150rc

6 On the printed bill, delete everything after the enacting clause and insert:

7 " Section 1. That chapter 2-9 be amended by adding a NEW SECTION to read:

8 The Executive Board of the Legislative Research Council shall assign college student interns
9 to the legislative branch of government. The Executive Board shall set the number of interns and
10 divide the total number of interns between the political parties in each chamber in proportion
11 to the party membership in each chamber as nearly as is practicable. The minority party in each
12 house shall have a minimum of three interns.

13 Section 2. That § 2-9-17 be repealed.

14 ~~— 2-9-17. The Executive Board of the Legislative Research Council shall assign college~~
15 ~~student interns to the legislative branch of government, one each, as follows: speaker of the~~
16 ~~House of Representatives, president pro tempore of the Senate, majority leader of the House of~~
17 ~~Representatives, majority leader of the Senate, minority leader of the House of Representatives,~~
18 ~~minority leader of the Senate, assistant majority leader of the House of Representatives, assistant~~
19 ~~majority leader of the Senate, assistant minority leader of the House of Representatives, and~~
20 ~~assistant minority leader of the Senate.~~

21 Section 3. That § 2-9-18 be repealed.

22 ~~— 2-9-18. The Executive Board of the Legislative Research Council shall provide no more than~~
23 ~~four additional college student interns for the South Dakota Senate and no more than eight~~
24 ~~additional college student interns for the South Dakota House of Representatives.~~

25 Section 4. That § 2-9-18.1 be repealed.

26 ~~— 2-9-18.1. The total number of interns provided for in §§ 2-9-17 and 2-9-18 shall be divided~~
27 ~~by the Executive Board of the Legislative Research Council between the political parties in each~~
28 ~~house in proportion to the party membership in each house as nearly as is practicable. The~~
29 ~~minority party shall have at least those interns specified in § 2-9-17. The leadership of each~~
30 ~~party in each house shall assign the interns to the respective legislators.~~

31 Section 5. That § 2-9-19 be repealed.

32 ~~— 2-9-19. No member of the Legislature shall be assigned a student intern without the approval~~
33 ~~of that legislator."~~

1 150rta

2 On page 1, line 1, of the printed bill, delete everything after "Act to" and insert
3 "revise provisions related to the legislative intern program."

4 On page 1, delete line 2.

5 And that as so amended said bill do pass.

6 Also MR. PRESIDENT:

7 The Joint Committee on Appropriations respectfully reports that it has had under
8 consideration SB 166 which was tabled.

9 Respectfully submitted,
10 Deb Peters, Co-Chair

11 Also MR. PRESIDENT:

12 The Committee on Health and Human Services respectfully reports that it has had under
13 consideration HB 1069 and returns the same with the recommendation that said bill do pass and
14 be placed on the consent calendar.

15 Also MR. PRESIDENT:

16 The Committee on Health and Human Services respectfully reports that it has had under
17 consideration SB 117 which was deferred to the 41st Legislative Day.

18 Respectfully submitted,
19 Bruce Rampelberg, Chair

20 Also MR. PRESIDENT:

21 The Committee on State Affairs respectfully reports that it has had under consideration
22 SB 124, 125, and 126 and returns the same with the recommendation that said bills do pass.

23 Also MR. PRESIDENT:

24 The Committee on State Affairs respectfully reports that it has had under consideration
25 SB 100 and returns the same with the recommendation that said bill be amended as follows:

26 100ja

1 On the printed bill, delete everything after the enacting clause and insert:

2 " Section 1. That § 1-16G-56 be amended to read:

3 1-16G-56. Terms used in §§ 1-16G-56 to 1-16G-68, inclusive, mean:

4 (1) "Board," the Board of Economic Development;

5 (2) "Broadband telecommunications network facilities," the electronics, equipment,
6 transmission facilities, fiber optic and copper cables and any other property capable
7 of transmission speeds ten megabits per second of download speed and one megabit
8 per second of upload speed;

9 (3) "Commissioner," the commissioner of the Governor's Office of Economic
10 Development;

11 ~~(3)~~(4) "Completed the project" or "completion of the project," the first date when the project
12 is operational;

13 ~~(4)~~(5) "Construction date," the first date earth is excavated or a contractor has initiated work
14 for the purpose of constructing a new or expanded facility or the first date new
15 equipment is located on the project site or existing equipment is removed from the
16 project site for the purpose of equipment upgrades, whichever occurs first;

17 ~~(5)~~(6) "Data center," any facility established for the purpose of processing, storage,
18 retrieval, or communication of data;

19 ~~(6)~~(7) "Department," the Department of Revenue;

20 ~~(7)~~(8) "Equipment upgrades," the installation of new equipment or the replacement or
21 improvement of existing equipment, which is subject to the sales or use tax imposed
22 by chapters 10-45 or 10-46 or contractor's excise tax imposed by chapters 10-46A or
23 10-46B;

24 ~~(8)~~(9) "GOED," the Governor's Office of Economic Development;

25 ~~(9)~~(10) "New or expanded facility," a new building or structure, or the expansion,
26 renovation, or retrofitting of an existing building or structure, which is subject
27 to the contractor's excise tax imposed by chapters 10-46A or 10-46B;

28 ~~(10)~~(11) "Person," any individual, firm, copartnership, joint venture, association,
29 cooperative, nonprofit development corporation, limited liability company,
30 limited liability partnership, corporation, estate, trust, business trust, receiver,
31 or any group or combination acting as a unit;

32 ~~(11)~~(12) "Project," a new or expanded facility with a project cost which exceed twenty
33 million dollars, or equipment upgrades with a project cost which exceed two
34 million dollars. A project includes laboratory and testing facilities,

manufacturing facilities, data centers, power generation facilities, power transmission facilities, broadband telecommunication network facilities, agricultural processing facilities, wind energy facilities, and facilities defined by GOED as targeted industries. A project does not include any building or structure:

- (a) Used predominantly for the sale of products at retail, other than the sale of electricity at retail, to individual consumers or other than to provide telecommunication service as defined in § 10-45-1.17;
- (b) Used predominantly for residential housing or transient lodging;
- (c) Used predominantly to provide health care services;
- (d) Used predominantly for the transportation or transmission of natural gas, oil, or crude oil by means of a pipeline; or
- (e) That is not subject to ad valorem real property taxation or equivalent taxes measured by gross receipts;

~~(12)~~(13) "Project cost," the amount paid by the project owner in money, credits, property, or other consideration associated with a project including, without limitation, land, labor, materials, furniture, equipment, fees, or fixtures;

~~(13)~~(14) "Wind energy facility," any new facility or facility expansion that:

- (a) Consists of a commonly managed integrated system of towers, wind turbine generators with blades, power collection systems, and electric interconnection systems, that convert wind movement into electricity, and is subject to the tax imposed by §§ 10-35-18 and 10-35-19; and
- (b) The construction of which is subject to contractors' excise tax pursuant to chapter 10-46A or 10-46B.

Section 2. That § 1-16G-61 be amended to read:

1-16G-61. Any person that has timely filed the application and is holding a permit issued by GOED, and has completed the project, shall file an affidavit for reinvestment payment with GOED.

The affidavit for reinvestment payment shall contain the following information:

- (1) The project owner's name and contact information;
- (2) The general description of the project;
- (3) The date of completion of the project;
- (4) The final project costs;
- (5) The amount of South Dakota sales tax, use tax, and contractors excise tax paid for the construction of the project;
- (6) The location of the project;
- (7) The legal description of the project location;
- (8) A list of the contractors and subcontractors that performed work on the project;
- (9) If the reinvestment payment was assigned or transferred, the name and address of the person to whom the reinvestment payment has been assigned or transferred; and

1 (10) Any other information that GOED may require.

2 The affidavit for reinvestment payment shall be on a form prescribed by the commissioner.
3 The affidavit for reinvestment payment shall be signed by the project owner and signed under
4 oath before a notary public. No affidavit for reinvestment payment may include more than one
5 project.

6 In addition, a project for broadband telecommunication network facilities broadband
7 infrastructure funded in part using federal funds, shall attest to the satisfaction of the conditions
8 of such grant. The attestation shall satisfy any requirement by GOED that the project would not
9 have been undertaken but for the reinvestment payment."

10 100jta

11 On page 1, line 1, of the printed bill, delete everything after "Act to" and insert "enhance
12 South Dakota economic development through broadband infrastructure improvements."

13 And that as so amended said bill do pass.

14 Also MR. PRESIDENT:

15 The Committee on State Affairs respectfully reports that it has had under consideration
16 SB 162 and returns the same with the recommendation that said bill be amended as follows:

17 162fb

18 On page 3, line 2, of the printed bill, after "agencies" insert "excluding the Unified Judicial
19 System".

20 On page 3, line 3, after "agencies" insert "excluding the Unified Judicial System".

21 On page 3, between lines 3 and 4, insert:

22 "The Unified Judicial System may implement the code of conduct and conflict of interest policy
23 in accordance with the code of judicial conduct and employee policies utilized within the
24 Unified Judicial System".

25 On page 3, line 18, after "agency" insert "to a nonstate agency".

26 And that as so amended said bill do pass.

27 Also MR. PRESIDENT:

28 The Committee on State Affairs respectfully reports that it has had under consideration
29 SB 99, 101, 128, and 155 which were tabled.

1 Also MR. PRESIDENT:

2 The Committee on State Affairs respectfully reports that it has had under consideration
3 SB 151 which was deferred to the 41st Legislative Day.

4 Respectfully submitted,
5 Gary Cammack, Chair

6 Also MR. PRESIDENT:

7 The Committee on Taxation respectfully reports that it has had under consideration SB 147
8 and HB 1083 and returns the same with the recommendation that said bills do pass.

9 Also MR. PRESIDENT:

10 The Committee on Taxation respectfully reports that it has had under consideration SB 165
11 and returns the same with the recommendation that said bill be amended as follows:

12 165yc

13 On the printed bill, delete everything after the enacting clause and insert:

14 " Section 1. That § 35-4-49 be amended to read:

15 35-4-49. A manufacturer licensed under subdivision 35-4-2(14) may only sell malt
16 beverages to a wholesaler licensed under subdivision 35-4-2(15), or to a wholesaler licensed
17 under subdivision 35-4-2(2), may only sell cider to a wholesaler licensed under subdivision
18 35-4-2(2) or may sell such beverages for transportation in interstate commerce outside the state.
19 A wholesaler licensed under subdivision 35-4-2(15) may sell such malt beverages to retailers
20 licensed under this chapter. Each malt beverage wholesale licensee for nonpasteurized products
21 shall designate on the application, the territory within which the licensee may sell the designated
22 nonpasteurized products of any brewer for the purpose of quality control, when such territory
23 has been agreed to by the licensee and the brewer.

24 Section 2. That § 35-5-3.2 be amended to read:

25 35-5-3.2. In addition to the provisions of § 35-4-49, a malt beverage and cider manufacturer
26 may sell the malt beverage and cider such manufacturer manufactures to the public for
27 consumption on the licensed premises. A malt beverage and cider manufacturer who
28 manufactures less than five thousand barrels of malt beverage and cider a year may hold on the
29 premises where the malt beverage is manufactured an on-sale license issued pursuant to
30 subdivision 35-4-2(4) and subject to the quota established in § 35-4-11 or a malt beverage
31 retailer's license issued pursuant to subdivision 35-4-2(16) or an on-sale wine license issued
32 pursuant to subdivision 35-4-2(12). The manufacturer shall pay the tax imposed under
33 subdivision 35-5-3(1) on all malt beverages and shall pay the tax imposed under subdivision
34 35-5-3(4A) on all cider so sold. Any manufacturer who holds a malt beverage retailer's license

1 or an on-sale license as provided in this section may also hold a malt beverage retailer's license
2 or an on-sale license at other locations but may sell the malt beverages and cider it manufactures
3 only at the location where the beverages are manufactured or to wholesalers licensed pursuant
4 to this title.

5 Section 3. That § 35-5-3.3 be amended to read:

6 35-5-3.3. A malt beverage and cider manufacturer who possesses an on-sale license
7 authorized pursuant to § 35-5-3.2 may be issued a malt beverage package dealer's license issued
8 pursuant to subdivision 35-4-2(17), or an off-sale license issued pursuant to subdivision
9 35-4-2(3) and subject to the quota established in § 35-4-10 for such premises where the malt
10 beverage and cider is manufactured, limited to the sale of malt beverages and cider the
11 manufacturer manufactures. The manufacturer shall pay the tax imposed under subdivision
12 35-5-3(1) on all malt beverages and shall pay the tax imposed under subdivision 35-5-3(4A) on
13 all cider so sold.

14 Section 4. That subdivision (9) of § 35-1-1 be amended to read:

15 35-1-1. Terms used in this title mean:

- 16 (9) "Manufacturer," any person who owns, has a controlling interest in, operates, or aids
17 in operating any establishment for the brewing, production, bottling, or blending of
18 malt beverages, cider, or wine;

19 Section 5. That § 35-4-2 be amended to read:

20 35-4-2. Classes of licenses, with the fee of each class, follow:

- 21 (1) Distillers--four thousand dollars. However, no license fee is required for
22 manufacturers of alcohol for use in industry as a nonbeverage. If the manufacturer
23 of industrial alcohol shall at any time manufacture, produce, distill, sell, barter, or
24 dispose of alcohol for any use other than an industrial use, the license fee required
25 by this section shall be allocated to and payable for the portion of the year the
26 manufacturer devoted to such other use for each calendar month or fraction thereof
27 while so engaged, but in no case less than one-twelfth of the license fee;
- 28 (2) Wholesalers of alcoholic beverages--five thousand dollars;
- 29 (3) Off-sale--not less than five hundred dollars in municipalities of the first class, not
30 more than four hundred dollars in municipalities of the second class, and not more
31 than three hundred dollars in municipalities of the third class. The renewal fee for
32 such licenses may not exceed five hundred dollars in municipalities of the first class,
33 four hundred dollars in municipalities of the second class, and three hundred dollars
34 in municipalities of the third class;
- 35 (4) On-sale--in municipalities of various classes: municipalities of the first class, not less
36 than one dollar for each person residing within the municipality as measured by the
37 last preceding federal census, the renewal fee for such license is fifteen hundred
38 dollars; municipalities of the second class, no more than twelve hundred dollars;
39 municipalities of the third class, no more than nine hundred dollars;

- (5) Off-sale licenses issued to municipalities under local option--not less than two hundred fifty dollars;
- (6) On-sale licenses issued outside municipalities--except as provided in § 35-4-11.9, not less than the maximum that the municipality to which the applicant is nearest is charging for a like license in that municipality, the renewal fee shall be the same as is charged for a like license in the nearest municipality. However, if the nearest municipality is more than fifteen miles from the on-sale license, the fee shall be established pursuant to § 35-4-11.10. If the municipality to which the applicant is nearest holds an on-sale license, pursuant to § 35-3-13 and does not charge a specified fee, then the fee shall be the maximum amount that could be charged as if the municipality had not been authorized to obtain on-sale licenses pursuant to § 35-3-13. However, if the nearest municipality is a municipality of the first class and is authorized to hold an on-sale license pursuant to § 35-3-13, such fee may not be more than one hundred fifty percent of the minimum a municipality not so authorized may charge for a like license. The renewal fee shall be the same as could be charged for a like license in the nearest municipality;
- (7) Solicitors--twenty-five dollars;
- (8) Transportation companies--twenty-five dollars;
- (9) Carrier--one hundred dollars, which fee entitles the licensee to sell or serve alcoholic beverages on all conveyances the licensee operates within the state unless restricted by local ordinance;
- (10) Dispensers--ten dollars;
- (11) On-sale dealers at publicly operated airports--two hundred fifty dollars;
- (12) Wine retailers, being both package dealers and on-sale dealers--five hundred dollars;
- (13) Convention facility on-sale--not less than one dollar for each person residing within the municipality as measured by the last preceding federal census, the renewal fee for such license, in municipalities of the first class, is fifteen hundred dollars; the renewal fee for such license, in municipalities of the second class, is no more than twelve hundred dollars; the renewal fee for such license, in municipalities of the third class, is no more than nine hundred dollars;
- (14) Manufacturers of malt beverages and cider--five hundred dollars;
- (15) Wholesalers of malt beverages--four hundred dollars;
- (16) Malt beverage retailers, being both package dealers and on-sale dealers--three hundred dollars;
- (17) Malt beverage package dealers--two hundred dollars;
- (17A) Malt beverage and wine produced pursuant to chapter 35-12 package dealers--two hundred twenty-five dollars;
- (18) On-sale dealers in light wine containing not more than six percent alcohol by weight for each day of the week between the hours of seven a.m. and two a.m. to nonprofit corporations established pursuant to chapter 7-7--two hundred dollars;
- (19) Off-sale package wine dealers in table wines, sparkling wines, sacramental wine, and distilled spirits produced from product provided to an artisan distiller by the respective farm winery to be operated in conjunction with a farm winery established pursuant to chapter 35-12--one hundred fifty dollars;
- (20) Malt beverage retailers, being both package dealers and on-sale dealers, and retailers of wine produced pursuant to chapter 35-12, being both package dealers and on-sale dealers--three hundred twenty-five dollars; and
- (21) Retail on premises manufacturer--two hundred fifty dollars."

1 And returns the same without recommendation.

2 Respectfully submitted,
3 Jeff Monroe, Chair

4 Also MR. PRESIDENT:

5 The Committee on Transportation respectfully reports that it has had under consideration
6 SB 141 and returns the same with the recommendation that said bill be amended as follows:

7 141fc

8 On page 3, line 16, of the printed bill, after "." insert "If a facility is unable to distill ethyl
9 alcohol due to a force majeure, the payment shall be based on claims submitted for that month
10 in the previous year. For purposes of this section, the term, force majeure, means any cause or
11 event that renders a facility wholly or partly unable to produce ethyl alcohol and is neither
12 reasonably within the control of the facility nor the result of the fault or negligence of the
13 facility. The term includes natural disasters, accidents, and acts of any governmental authority.".

14 On page 4, line 10, delete "Seventy-one" and insert "Sixty-four and six-tenths".

15 On page 4, line 15, delete "Seven" and insert "Six and four-tenths".

16 On page 4, line 17, delete "Twenty-two" and insert "Twenty-nine".

17 On page 5, line 21, delete "twenty-eight" and insert "forty-one".

18 On page 5, line 22, delete "seventy-two" and insert "fifty-nine".

19 On page 6, between lines 1 and 2, insert:

20 " Section 9. That the code be amended by adding a NEW SECTION to read:

21 If the balance of the petroleum release compensation fund is less than two million dollars
22 following a monthly deposit pursuant to § 34A-13-20, a transfer shall be made from the state
23 highway fund to the petroleum release compensation fund in an amount that brings the balance
24 of the petroleum release compensation fund to two million five hundred thousand dollars.
25 Following a monthly deposit pursuant to § 34A-13-20, any balance above four million dollars
26 in the petroleum release compensation fund shall be transferred to the state highway fund.

27 Section 10. That § 10-47B-164.1 be repealed.

28 ~~—10-47B-164.1. There is hereby established the ethanol infrastructure incentive fund to~~
29 ~~receive funds transferred from the ethanol fuel fund pursuant to § 10-47B-164. Any money in~~
30 ~~the ethanol infrastructure incentive fund is continuously appropriated for the following~~
31 ~~purposes:~~

~~(1) To award incentive grants to motor fuel retail dealers as defined in § 10-47B-3 for the purpose of entering into contracts for the purchase or installation, or for the purchase and installation, of ethanol blender pumps and associated piping and storage systems and related equipment to be used at facilities operated by the motor fuel retail dealers for the sale of motor fuel to the public;~~
~~(2) To award incentive grants to motor fuel retail dealers as defined in § 10-47B-3 for the purpose of entering into contracts for the purchase, or the purchase, of pumps and pump equipment authorized to dispense gasoline containing up to and including eighty-five percent ethanol;~~
~~(3) To award incentive grants to encourage the purchase of flex fuel vehicles;~~
~~(4) To encourage the increased use of ethanol in South Dakota; and~~
~~(5) To otherwise encourage the installation of infrastructure related to sale and distribution of ethanol.~~
~~The Governor's Office of Economic Development shall establish, by rules promulgated pursuant to chapter 1-26, such regulations and procedures as are necessary to implement this section. For the purposes of this section, the term, ethanol blender pump, refers to a mechanism provided by the retail dealer for the dispensing at retail as defined in § 10-47B-3 of ethanol blend so that the end user may choose a particular grade of ethanol to gasoline to be dispensed. The Governor's Office of Economic Development may use up to five percent of any amount appropriated to the ethanol infrastructure incentive fund for administration of the fund or any incentive programs established by this section.~~

Section 11. That § 10-47B-164.2 be repealed.

~~10-47B-164.2. The Governor's Office of Economic Development may promulgate rules pursuant to chapter 1-26 concerning the ethanol infrastructure incentive fund as follows:~~
~~(1) The submission of grant applications for the ethanol infrastructure incentive fund;~~
~~(2) Eligibility criteria for grants from the ethanol infrastructure incentive fund;~~
~~(3) Application procedures for grants from the ethanol infrastructure incentive fund;~~
~~(4) Criteria for determining which applicants will receive grants from the ethanol infrastructure incentive fund; and~~
~~(5) Follow-up reporting to the Governor's Office of Economic Development by grant recipients.~~

Section 12. Sections 10 and 11 of this Act are effective on July 1, 2017."

On page 6, line 2, delete "sections 3 to 8" and insert "sections 3 to 9".

And that as so amended said bill do pass.

Also MR. PRESIDENT:

The Committee on Transportation respectfully reports that it has had under consideration SB 156 and returns the same with the recommendation that said bill be amended as follows:

1 156fa

2 On the printed bill, delete everything after the enacting clause and insert:

3 " Section 1. That the code be amended by adding a NEW SECTION to read:

4 Terms used in this Act mean:

- 5 (1) "Digital network," any online-enabled application, software, website, or system
6 offered or utilized by a transportation network company that enables a prearranged
7 ride with a transportation network company driver;
- 8 (2) "Personal vehicle," a vehicle that is used by a transportation network company driver
9 to provide a prearranged ride and is owned, leased, or otherwise authorized for use
10 by the transportation network company driver. The term does not include any taxicab,
11 limousine, or for-hire vehicle;
- 12 (3) "Prearranged ride," the provision of transportation by a driver to a rider, beginning
13 when a driver accepts a rider's request for a ride through a digital network controlled
14 by a transportation network company, continuing while the driver transports a
15 requesting rider, and ending when the last requesting rider departs from the personal
16 vehicle. The term does not include transportation provided through a shared expense
17 carpool or vanpool arrangement or by using a taxicab, limousine, or other for-hire
18 vehicle;
- 19 (4) "Transportation network company," a corporation, partnership, sole proprietorship,
20 or other entity that uses a digital network to connect transportation network company
21 riders to transportation network company drivers who provide prearranged rides and
22 that does not control, direct, or manage the personal vehicles or transportation
23 network company drivers that connect to its digital network, except where agreed to
24 by written contract;
- 25 (5) "Transportation network company driver" or "driver," a person who receives
26 connections to potential riders and related services from a transportation network
27 company in exchange for payment of a fee to the transportation network company
28 and who uses a personal vehicle to provide a prearranged ride to riders upon
29 connection through a digital network controlled by a transportation network company
30 in return for compensation or payment of a fee;
- 31 (6) "Transportation network company rider" or "rider," a person who uses a
32 transportation network company's digital network to connect with a transportation
33 network driver who provides a prearranged ride to the person in the driver's personal
34 vehicle between points chosen by the person.

35 Section 2. That the code be amended by adding a NEW SECTION to read:

36 Before a transportation network company allows a person to act as a transportation network
37 company driver on the transportation network company's digital network, the transportation
38 network company shall require the person to submit to the transportation network company an
39 application that includes:

- 40 (1) The person's name, address, and age;
41 (2) A copy of the person's driver license;

- 1 (3) The registration for the personal vehicle that the person will use to provide
- 2 prearranged rides;
- 3 (4) Proof of financial responsibility for the personal vehicle of a type and in the amounts
- 4 required by the transportation network company; and
- 5 (5) Any other information required by the transportation network company.

6 Section 3. That the code be amended by adding a NEW SECTION to read:

7 Before a transportation network company allows a person to act as a driver on the
8 transportation network company digital network, the transportation network company shall
9 conduct, or contract with a third party to conduct:

- 10 (1) A local and national criminal background check;
- 11 (2) A search of the national sex offender registry; and
- 12 (3) Obtain a copy of the person's driving record maintained under § 32-12-61.

13 Section 4. That the code be amended by adding a NEW SECTION to read:

14 A transportation network company may not knowingly allow to act as a transportation
15 network company driver on the transportation network company's digital network a person:

- 16 (1) Who has received judgments for more than three moving traffic violations in the
- 17 preceding three years, or at least one violation involving reckless driving or driving
- 18 on a suspended or revoked license in the preceding three years;
- 19 (2) Who has been convicted in the preceding seven years of a felony;
- 20 (3) Who has been convicted in the preceding seven years of a misdemeanor involving:
- 21 (a) Resisting a law enforcement officer;
- 22 (b) Dishonesty;
- 23 (c) Injury to a person;
- 24 (d) Operating a motor vehicle while intoxicated;
- 25 (e) Operating a motor vehicle in a manner that endangers a person;
- 26 (f) Operating a motor vehicle with a suspended or revoked driver license; or
- 27 (e) Damage to the property of another person;
- 28 (4) Who is a match in the state or national sex offender registry; or
- 29 (5) Who is unable to provide information required under section 3 of this Act.

30 Section 5. That the code be amended by adding a NEW SECTION to read:

31 A transportation network company shall establish and enforce a zero tolerance policy for
32 drug and alcohol use by transportation network company drivers during any period when a
33 transportation network company driver is engaged in, or is logged into the transportation
34 network company's digital network but is not engaged in, a prearranged ride. The policy shall
35 include provisions for:

- 36 (1) Investigations of alleged policy violations; and
- 37 (2) Suspensions of transportation network company drivers under investigation.

38 Section 6. That the code be amended by adding a NEW SECTION to read:

1 A transportation network company shall require that a personal vehicle used to provide any
2 prearranged ride shall comply with all applicable laws and rules concerning vehicle equipment.

3 Section 7. That the code be amended by adding a NEW SECTION to read:

4 A transportation network company driver or transportation network company on the driver's
5 behalf shall maintain primary motor vehicle insurance that recognizes that the driver is a
6 transportation network company driver or otherwise uses a vehicle to transport riders for
7 compensation and covers the driver while:

- 8 (1) The driver is logged on to the transportation network company's digital network; or
- 9 (2) The driver is engaged in a prearranged ride.

10 Section 8. That the code be amended by adding a NEW SECTION to read:

11 The following motor vehicle insurance requirements apply while a participating
12 transportation network company driver is logged on to the transportation network company's
13 digital network and is available to receive transportation requests but is not engaged in a
14 prearranged ride:

- 15 (1) Primary motor vehicle liability insurance in the amount of at least fifty thousand
16 dollars for death and bodily injury per person, one hundred thousand dollars for death
17 and bodily injury per incident, and twenty-five thousand dollars for property damage;
18 and
- 19 (2) Uninsured and underinsured coverage as required by §§ 58-11-9 and 58-11-9.4; and
- 20 (3) The coverage requirements of subdivision (1) may be satisfied by motor vehicle
21 insurance maintained by the transportation network company driver, motor vehicle
22 insurance maintained by the transportation network company, or any combination of
23 such insurance.

24 Section 9. That the code be amended by adding a NEW SECTION to read:

25 The following motor vehicle insurance requirements apply while a transportation network
26 company driver is engaged in a prearranged ride:

- 27 (1) Primary motor vehicle liability insurance that provides at least one million dollars for
28 death, bodily injury, and property damage;
- 29 (2) Uninsured and underinsured coverage as required by §§ 58-11-9 and 58-11-9.4; and
- 30 (3) The coverage requirements of subdivision (1) may be satisfied by motor vehicle
31 insurance maintained by the transportation network company driver, motor vehicle
32 insurance maintained by the transportation network company, or any combination of
33 such insurance.

34 Section 10. That the code be amended by adding a NEW SECTION to read:

35 If the insurance maintained by the driver pursuant to section 8 or 9 of this Act has lapsed or
36 does not provide the required coverage, the insurance maintained by the transportation network

company shall provide the coverage required by those sections beginning with the first dollar of a claim and has the duty to defend any claim.

Section 11. That the code be amended by adding a NEW SECTION to read:

Coverage under a motor vehicle insurance policy maintained by the transportation network company may not be dependent on a personal motor vehicle insurer first denying a claim nor shall a personal motor vehicle insurance policy be required to first deny a claim.

Section 12. That the code be amended by adding a NEW SECTION to read:

Any insurance required by sections 8 and 9 of this Act may be placed with an insurer licensed under title 58, or with a surplus lines insurer eligible under title 58.

Section 13. That the code be amended by adding a NEW SECTION to read:

Any insurance satisfying the requirements of section 8 or 9 of this Act shall be deemed to satisfy the financial responsibility requirement for a motor vehicle under § 32-35-113.

Section 14. That the code be amended by adding a NEW SECTION to read:

A transportation network company driver shall carry proof of coverage satisfying sections 8 and 9 of this Act at all times during the driver's use of a vehicle in connection with a transportation network company's digital network. If there is an accident, a transportation network company driver shall provide proof of insurance coverage information to the directly interested parties, motor vehicle insurers, and investigating law enforcement officers, upon request. Upon such request, a transportation network company driver shall also disclose to directly interested parties, motor vehicle insurers, and investigating law enforcement officers, whether the driver was logged on to the transportation network company's digital network or on a prearranged ride at the time of an accident.

Section 15. That the code be amended by adding a NEW SECTION to read:

The transportation network company shall disclose in writing to each transportation network company driver the following before the driver is allowed to accept a request for a prearranged ride on the transportation network company's digital network:

- (1) The insurance coverage, including the types of coverage and the limits for each coverage, that the transportation network company provides while the transportation network company driver uses a personal vehicle in connection with a transportation network company's digital network; and
- (2) That the transportation network company driver's own motor vehicle insurance policy might not provide any coverage while the driver is logged on to the transportation network company's digital network and is available to receive transportation requests or is engaged in a prearranged ride, depending on its terms.

Section 16. That the code be amended by adding a NEW SECTION to read:

Any insurer that writes motor vehicle insurance in this state may exclude any coverage afforded under the policy issued to an owner or operator of a personal vehicle for any loss or injury that occurs while a driver is logged on to a transportation network company's digital network or while a driver provides a prearranged ride. This right to exclude all coverage may apply to any coverage included in a motor vehicle insurance policy including:

- (1) Liability coverage for bodily injury and property damage;
- (2) Personal injury protection coverage;
- (3) Uninsured and underinsured motorist coverage;
- (4) Medical payments coverage;
- (5) Comprehensive physical damage coverage; and
- (6) Collision physical damage coverage.

Section 17. That the code be amended by adding a NEW SECTION to read:

Any exclusions as allowed by section 16 of this Act applies notwithstanding any requirement under chapter 32-35. Nothing in this Act implies or requires that a personal motor vehicle insurance policy provide coverage while the driver is logged on to the transportation network company's digital network, while the driver is engaged in a prearranged ride, or while the driver otherwise uses a vehicle to transport riders for compensation.

Section 18. That the code be amended by adding a NEW SECTION to read:

Nothing in this Act requires an insurer to use any particular policy language or reference to section 16 of this Act in order to exclude any and all coverage for any loss or injury that occurs while a driver is logged on to a transportation network company's digital network or while a driver provides a prearranged ride.

Section 19. That the code be amended by adding a NEW SECTION to read:

Nothing in this Act precludes an insurer from providing primary or excess coverage for the transportation network company driver's vehicle, if it so chose to do so by contract or endorsement.

Section 20. That the code be amended by adding a NEW SECTION to read:

Any motor vehicle insurer that excludes the coverage described in section 8 or 9 of this Act has no duty to defend or indemnify any claim expressly excluded by the policy. Nothing in this Act invalidates or limits an exclusion contained in a policy including any policy in use or approved for use in this state prior to the enactment of this Act that excludes coverage for vehicles used to carry persons or property for a charge or available for hire by the public.

Section 21. That the code be amended by adding a NEW SECTION to read:

A motor vehicle insurer that defends or indemnifies a claim against a driver that is excluded under the terms of the insurer's policy, shall have a right of contribution against other insurers that provide motor vehicle insurance to the same driver in satisfaction of the coverage requirements of sections 8 or 9 of this Act at the time of loss.

Section 22. That the code be amended by adding a NEW SECTION to read:

In a claims coverage investigation, transportation network companies shall immediately provide upon request by directly involved parties or any insurer of the transportation network company driver if applicable, the precise times that a transportation network company driver logged on and off of the transportation network company's digital network in the twelve-hour period immediately preceding and in the twelve-hour period immediately following the accident. Any insurer providing coverage as set forth in sections 8 and 9 of this Act shall disclose upon request by any other such insurer involved in the particular claim, the applicable coverages, exclusions, and limits provided under any motor vehicle insurance maintained in order to satisfy the requirements of sections 8 and 9 of this Act.

Section 23. That § 32-9-3 be amended to read:

32-9-3. For the purposes of this chapter, the following do not come within the definition of "motor carriers" or "commercial vehicles" if used in intrastate operations:

- (1) A motor vehicle registered in South Dakota used to carry private business property of five hundred pounds or less;
- (2) A motor vehicle chassis registered in South Dakota on which is mounted a cornsheller, grain cleaner, feed grinder, grain and alfalfa feed mixing machine, haystack mover, sawmill, water well drilling equipment, power shovel, ditchdigger, mobile crane which exceeds the maximum size or weight limits prescribed by chapter 32-22, drag line, posthole auger, and which is not used for demonstration or display purposes outside the limits of a municipality, or a truck tractor and trailer carrying permanently mounted hay grinding equipment;
- (3) Any motor vehicle registered in South Dakota used for the transportation of liquid or solid livestock waste including trailers and equipment used to load liquid or solid livestock waste and any vehicle registered in South Dakota used for the application, distribution, spraying, or transportation from retail business to user of dry, liquid, or anhydrous ammonia fertilizers or agricultural chemicals;
- (4) A motor vehicle registered in South Dakota of less than thirty thousand pounds gross weight owned by a merchant licensed under chapter 10-45 or the merchant's commissioned paid employee and used to transport the merchant's previously sold merchandise to a purchaser outside the limits of a municipality and to return exchanged property or to transport fuels to a purchaser within a municipality or an unincorporated town which is without such service;
- (5) A motor vehicle registered in South Dakota, owned by a farmer of this state and used by or for the farmer to transport property for the farmer's farming operation, to transport farm property from farm to farm or from a community or market to the farm or from the farm to a community or market, to transport livestock in a vehicle or combination of vehicles registered at twenty-six thousand pounds or less without monetary compensation, or to transport farm property when the vehicles are used as reimbursement in the ordinary exchange of farm work;
- (6) A motor vehicle registered in South Dakota operated by or for its owner and exclusively used to transport products originating in or produced from logging or mining operations or lumber milling waste products if such products are owned in fee by the motor vehicle owner;

- (7) Any motor vehicle, trailer, semitrailer, motor propelled, or trailed vehicle chassis registered in South Dakota, which is used exclusively on the job site for the construction of township roads, stock water dugouts, dams, farm and ranch irrigation systems, or other soil and water conservation projects on farms and ranches, or for the construction or maintenance of highways in the State of South Dakota. Prior to moving any such vehicle or equipment between job sites or from job site to a central location, the owner shall register the vehicle or equipment pursuant to § 32-9-58;
- (8) A motor vehicle used principally for providing prearranged transportation of persons to or from their place of employment and is operated by a person who does not drive the vehicle for the person's principal occupation, but is driving it only to or from the person's principal place of employment or for personal use as permitted by the owner of the vehicle;
- (9) A motor vehicle that is not for hire and is operated solely for educational purposes by a student or an instructor as part of a heavy motor vehicle or heavy equipment operator's course offered by a nonprofit postsecondary institution located in the state;
- (10) A motor vehicle used for personal purposes and not operated for private business use;
- (11) A motor vehicle used for recreational purposes and not operated for private business use;
- (12) A motor vehicle, trailer, semitrailer, motor propelled, or trailed vehicle chassis, registered in South Dakota and used to move equipment involved in soil and water conservation projects or township road work when operated between job sites or from a job site to a central location or point of repair;
- (13) Any motor vehicle used by an implement dealer to transport farm machinery to and from a county fair or the state fair;
- (14) A motor vehicle owned by a licensed motor vehicle dealer and used to transport inventory replacement vehicles to the dealer's principal place of business. For the purpose of this subdivision, motor vehicle does not include any motor vehicle which carries inventory replacement vehicles entirely upon its own structure; and
- (15) A motor vehicle used to provide any prearranged ride as defined by section 1 of this Act.

Section 24. That the code be amended by adding a NEW SECTION to read:

Prior to operating in this state, a transportation network company shall register with the Department of Public Safety, providing the following information:

- (1) All contact information for the company, including the agent for service of process within the state;
- (2) A sales tax license issued by the state, if applicable;
- (3) The company's certificate of authority, as registered with the secretary of state; and
- (4) Proof of insurance, pursuant to this Act.

Upon registration, the Department of Public Safety shall issue to the company a license to operate within the state. The department may set a license fee of no more than fifty dollars per license.

Section 25. That the code be amended by adding a NEW SECTION to read:

1 A transportation network company operating within the state shall:

- 2 (1) Provide each rider with any applicable rates charged for a prearranged ride and the
3 option to receive an estimated fare before the rider enters the driver's motor vehicle;
- 4 (2) Use a digital network or website to display a picture of the driver and the license
5 plate number of the motor vehicle utilized for providing the prearranged ride before
6 the rider enters the driver's motor vehicle;
- 7 (3) Transmit an electronic receipt to the rider within a reasonable time after the
8 completion of a prearranged ride that lists the origin and destination of the trip, the
9 total time and distance of the trip, and an itemization of the total fare paid; and
- 10 (4) Maintain an agent for service of process in the state.

11 Section 26. That the code be amended by adding a NEW SECTION to read:

12 A transportation network company shall maintain individual trip records for each driver for
13 at least one year from the date each trip was provided by the driver and driver records for no less
14 than two years from the date on which a driver's activation on the digital network has ended.

15 Section 27. That the code be amended by adding a NEW SECTION to read:

16 The transportation network company shall adopt a policy prohibiting solicitation or
17 acceptance of cash payments from the riders and shall notify each driver of the policy. A driver
18 may not solicit or accept cash payments from riders, nor solicit or accept street hails. Any
19 payment for services shall be made only electronically using the digital network or online
20 application service. A driver shall apply for a state sales tax license and remit taxes accordingly,
21 if applicable.

22 Section 28. That the code be amended by adding a NEW SECTION to read:

23 Except as otherwise provided in this Act, no transportation network company may disclose
24 a rider's personally identifiable information to a third party unless:

- 25 (1) The rider consents;
- 26 (2) The disclosure is required by legal obligation; or
- 27 (3) The disclosure is required to protect or defend the terms of use of the service or to
28 investigate a violation of those terms.

29 A transportation network company may share a rider's name and telephone number with the
30 driver providing the prearranged ride to the rider in order to facilitate correct identification of
31 the rider by the driver, or to facilitate communication between the rider and the driver.

32 Section 29. That the code be amended by adding a NEW SECTION to read:

33 A transportation network company shall maintain records of each driver's application, motor
34 vehicle records, insurance coverage, and proof of all background checks conducted, for a period
35 of two years from the date on which a driver's activation on the transportation network
36 company's digital network has ended. For the sole purpose of verifying that a transportation
37 network company is in compliance with this chapter, the company shall allow an inspection of

1 these records by the Department of Public Safety at the department's request, or a by city or
2 municipality in which the transportation network company drivers operate, and shall reasonably
3 facilitate the department, city, or municipality in that inspection. A sample shall be chosen
4 randomly by the department, city, or municipality in a method agreeable to both parties. The
5 audit may take place electronically or at a mutually agreed upon location. The transportation
6 network company may exclude information that may tend to identify a specific rider. The
7 department shall inspect the records annually. If a city or municipality has inspected certain
8 records, the department may accept the approval of those records without further inspection. The
9 department may promulgate rules to set audit policies and set an audit fee of no more than five
10 hundred dollars annually.

11 In response to a specific complaint against the transportation network company or any
12 specific driver, the department may inspect records necessary to investigate the complaint. The
13 inspection may take place at a mutually agreed upon location. The transportation network
14 company may exclude information that may tend to identify a specific rider, unless that
15 information is necessary to the investigation of the complaint. All records inspected by the
16 department, city, or municipality under this section are considered confidential and may not be
17 disclosed to a third party without prior written consent of the transportation network company.

18 Section 30. That the code be amended by adding a NEW SECTION to read:

19 If a transportation network company fails to comply with any section of this Act, the
20 Department of Public Safety shall revoke the company's license to operate in the state for a
21 period of one year per offense.

22 Section 31. That the code be amended by adding a NEW SECTION to read:

23 Nothing in this Act may be construed to limit further regulation of a transportation network
24 company enacted by a city or county."

25 156fb

26 On the previously adopted amendment (156fa), in subdivision (1) of Section 1, delete
27 "software,".

28 On the previously adopted amendment (156fa), in the last sentence of the first paragraph
29 of Section 29, after "rules" insert ", pursuant to chapter 1-26,".

30 And that as so amended said bill do pass.

31 Respectfully submitted,
32 Mike Vehle, Chair

SIGNING OF BILLS

2 The President publicly read the title to

3 HB 1008: FOR AN ACT ENTITLED, An Act to restrict access to certain restrooms and
4 locker rooms in public schools.

5 HB 1010: FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the
6 development of park and recreational improvements on lands leased to the Department of Game,
7 Fish and Parks.

8 HB 1013: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding
9 alternative instruction achievement tests for children excused from school attendance.

10 HB 1014: FOR AN ACT ENTITLED, An Act to authorize the sale of certain surplus real
11 estate and to provide for the deposit of the proceeds.

12 HB 1059: FOR AN ACT ENTITLED, An Act to revise provisions related to the
13 garnishment of debts and property.

14 HB 1081: FOR AN ACT ENTITLED, An Act to make an appropriation to fund tax refunds
15 for elderly persons and persons with a disability, to revise the income eligibility requirements
16 for property and sales tax refunds, and to declare an emergency.

17 HB 1082: FOR AN ACT ENTITLED, An Act to codify the list of navigable streams
18 requiring gates.

19 HB 1098: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the
20 exemption of motor vehicles from the motor vehicle excise tax.

21 HB 1105: FOR AN ACT ENTITLED, An Act to give the court discretion to grant a
22 continuance of a protection order in certain situations.

23 HB 1150: FOR AN ACT ENTITLED, An Act to revise certain provisions concerning the
24 property tax exemption provided to local industrial development corporations.

25 HB 1170: FOR AN ACT ENTITLED, An Act to make an appropriation to reimburse
26 certain eligible health care professionals who have complied with the requirements of the rural
27 health care facility recruitment assistance program and to declare an emergency.

28 Journal correction: See page 407 of the Senate Journal.
29

30 And signed the same in the presence of the Senate.

1

MOTIONS AND RESOLUTIONS

2

Sen. Brown moved that SB 16 be placed to follow SB 152 on today's calendar.

3

Which motion prevailed.

4

CONSIDERATION OF REPORTS OF COMMITTEES

5

Sen. Brown moved that the reports of the Standing Committees on

6

State Affairs on SB 112 as found on page 357 of the Senate Journal; also

7

State Affairs on SB 118 as found on page 357 of the Senate Journal; also

8

State Affairs on SB 131 as found on page 355 of the Senate Journal; also

9

Transportation on SB 110 as found on page 372 of the Senate Journal; also

10

Transportation on SB 127 as found on page 372 of the Senate Journal; also

11

Health and Human Services on SB 171 as found on page 374 of the Senate Journal; also

12

Health and Human Services on SB 72 as found on page 373 of the Senate Journal be

13

adopted.

14

Which motion prevailed.

15

FIRST READING OF SENATE BILLS AND JOINT RESOLUTIONS

16

The President declared that SB 89 was withdrawn at the request of the prime sponsor

17

pursuant to Joint Rule 6B-1.1.

18

SECOND READING OF CONSENT CALENDAR ITEMS

19

HB 1102: FOR AN ACT ENTITLED, An Act to allow for additional time to review certain competitive sealed bids.

20

21

The question being "Shall HB 1102 pass as amended?"

22

And the roll being called:

1 Yeas 34, Nays 0, Excused 1, Absent 0

2 Yeas:

3 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield
4 (Brock); Haggart (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);
5 Jensen (Phil); Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters;
6 Peterson (Jim); Rampelberg; Rusch; Shorma; Sohlt; Solano; Sutton; Tidemann; Tieszen;
7 Vehle; White

8 Excused:

9 Van Gerpen

10 So the bill having received an affirmative vote of a majority of the members-elect, the
11 President declared the bill passed and the title was agreed to.

12 HB 1108: FOR AN ACT ENTITLED, An Act to revise certain municipal special
13 assessment provisions and to provide for exclusion of territory from municipalities.

14 Was read the second time.

15 The question being "Shall HB 1108 pass?"

16 And the roll being called:

17 Yeas 34, Nays 0, Excused 1, Absent 0

18 Yeas:

19 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield
20 (Brock); Haggart (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);
21 Jensen (Phil); Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters;
22 Peterson (Jim); Rampelberg; Rusch; Shorma; Sohlt; Solano; Sutton; Tidemann; Tieszen;
23 Vehle; White

24 Excused:

25 Van Gerpen

26 So the bill having received an affirmative vote of a majority of the members-elect, the
27 President declared the bill passed and the title was agreed to.

28 HB 1117: FOR AN ACT ENTITLED, An Act to repeal certain provisions concerning the
29 authorization for the use of other languages in public records or public meetings.

30 Was read the second time.

31 The question being "Shall HB 1117 pass?"

1 And the roll being called:

2 Yeas 34, Nays 0, Excused 1, Absent 0

3 Yeas:

4 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield
5 (Brock); Haggart (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);
6 Jensen (Phil); Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters;
7 Peterson (Jim); Rampelberg; Rusch; Shorma; Sohlt; Solano; Sutton; Tidemann; Tieszen;
8 Vehle; White

9 Excused:

10 Van Gerpen

11 So the bill having received an affirmative vote of a majority of the members-elect, the
12 President declared the bill passed and the title was agreed to.

13 **SECOND READING OF SENATE BILLS AND JOINT RESOLUTIONS**

14 SB 69: FOR AN ACT ENTITLED, An Act to require accredited schools to accept transfer
15 credits for courses taken by students from other accredited schools during the summer and to
16 declare an emergency.

17 Was read the second time.

18 69cb

19 Sen. Peters moved that SB 69 be amended as follows:

20 On page 1, between lines 8 and 9 of the Senate Education Committee engrossed bill, insert
21 "However, an accredited school is only required to accept the transfer credits if the student
22 notifies a school administrator of the credits sought prior to taking the course. If the student fails
23 to provide the advance notice, the school may refuse to accept the credits.".

24 On page 1, line 9, delete ", however,".

25 Which motion prevailed.

26 The question being "Shall SB 69 pass as amended?"

27 And the roll being called:

28 Yeas 33, Nays 1, Excused 1, Absent 0

1 Yeas:

2 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield
3 (Brock); Hagggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Jensen (Phil); Monroe;
4 Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim); Rampelberg;
5 Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Vehle; White

6 Nays:

7 Hunhoff (Bernie)

8 Excused:

9 Van Gerpen

10 So the bill having received an affirmative vote of a two-thirds majority of the
11 members-elect, the President declared the bill passed and the title was agreed to.

12 SB 44: FOR AN ACT ENTITLED, An Act to create provisions for aggravated vehicular
13 homicide and classify the crime as a crime of violence.

14 Was read the second time.

15 The question being "Shall SB 44 pass as amended?"

16 And the roll being called:

17 Yeas 28, Nays 6, Excused 1, Absent 0

18 Yeas:

19 Brown; Cammack; Curd; Ewing; Fiegen; Greenfield (Brock); Hagggar (Jenna); Haverly;
20 Heineman (Phyllis); Holien; Jensen (Phil); Monroe; Novstrup (David); Olson; Omdahl; Otten
21 (Ernie); Peters; Peterson (Jim); Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton;
22 Tidemann; Tieszen; Vehle; White

23 Nays:

24 Bradford; Buhl O'Donnell; Frerichs; Heinert; Hunhoff (Bernie); Parsley

25 Excused:

26 Van Gerpen

27 So the bill having received an affirmative vote of a majority of the members-elect, the
28 President declared the bill passed and the title was agreed to.

29 SB 154: FOR AN ACT ENTITLED, An Act to provide a penalty for fleeing from a law
30 enforcement officer.

31 Was read the second time.

1 The question being "Shall SB 154 pass?"

2 And the roll being called:

3 Yeas 27, Nays 6, Excused 2, Absent 0

4 Yeas:

5 Brown; Cammack; Curd; Ewing; Fiegen; Haggar (Jenna); Haverly; Heineman (Phyllis); Holien;
6 Hunhoff (Bernie); Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters;
7 Peterson (Jim); Rampelberg; Rusch; Shorma; Soholt; Solano; Tidemann; Tieszen; Vehle; White

8 Nays:

9 Bradford; Buhl O'Donnell; Greenfield (Brock); Heinert; Jensen (Phil); Sutton

10 Excused:

11 Frerichs; Van Gerpen

12 So the bill having received an affirmative vote of a majority of the members-elect, the
13 President declared the bill passed and the title was agreed to.

14 SB 158: FOR AN ACT ENTITLED, An Act to revise provisions related to restitution in
15 cases involving juveniles and to declare an emergency.

16 Was read the second time.

17 158xa

18 Sen. Greenfield (Brock) moved that SB 158 be amended as follows:

19 On page 4, line 7, of the printed bill, delete "The secretary of" and insert "A representative
20 from".

21 Which motion prevailed.

22 The question being "Shall SB 158 pass as amended?"

23 And the roll being called:

24 Yeas 33, Nays 1, Excused 1, Absent 0

25 Yeas:

26 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield
27 (Brock); Haggar (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);
28 Jensen (Phil); Monroe; Novstrup (David); Olson; Otten (Ernie); Parsley; Peters; Peterson (Jim);
29 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Vehle; White

1 Nays:

2 Omdahl

3 Excused:

4 Van Gerpen

5 So the bill having received an affirmative vote of a two-thirds majority of the
6 members-elect, the President declared the bill passed and the title was agreed to.

7 SB 133: FOR AN ACT ENTITLED, An Act to revise certain provisions regarding shared
8 services provided by the state to school districts, the sharing of services of school district
9 employees, the classroom innovation grant program, and educator mentoring and certification
10 reciprocity.

11 Was read the second time.

12 The question being "Shall SB 133 pass?"

13 And the roll being called:

14 Yeas 33, Nays 1, Excused 1, Absent 0

15 Yeas:

16 Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield (Brock); Haggar
17 (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie); Jensen (Phil);
18 Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters; Peterson (Jim);
19 Rampelberg; Rusch; Shorma; Soholt; Solano; Sutton; Tidemann; Tieszen; Vehle; White

20 Nays:

21 Bradford

22 Excused:

23 Van Gerpen

24 So the bill having received an affirmative vote of a majority of the members-elect, the
25 President declared the bill passed and the title was agreed to.

26 SB 152: FOR AN ACT ENTITLED, An Act to enact the Peter Falk Act to ensure visitation
27 of certain protected persons.

28 Was read the second time.

29 The question being "Shall SB 152 pass?"

30 And the roll being called:

1 Yeas 34, Nays 0, Excused 1, Absent 0

2 Yeas:

3 Bradford; Brown; Buhl O'Donnell; Cammack; Curd; Ewing; Fiegen; Frerichs; Greenfield
4 (Brock); Haggard (Jenna); Haverly; Heineman (Phyllis); Heinert; Holien; Hunhoff (Bernie);
5 Jensen (Phil); Monroe; Novstrup (David); Olson; Omdahl; Otten (Ernie); Parsley; Peters;
6 Peterson (Jim); Rampelberg; Rusch; Shorma; Sohlt; Solano; Sutton; Tidemann; Tieszen;
7 Vehle; White

8 Excused:

9 Van Gerpen

10 So the bill having received an affirmative vote of a majority of the members-elect, the
11 President declared the bill passed and the title was agreed to.

12 Sen. Brown moved that the balance of the calendar including SB 16 and 159 and HB 1208,
13 1024, 1007, 1201, 1187, 1120, 1136, and 1005 be deferred to Tuesday, February 23rd, the 26th
14 legislative day.

15 Which motion prevailed.

16 **COMMEMORATIONS**

17 SC 15 Introduced by: Senators Holien, Buhl O'Donnell, Hunhoff (Bernie), Novstrup
18 (David), Sutton, and Tidemann and Representatives Hunhoff (Jean), Bartling, Duvall, Hawley,
19 Qualm, Rounds, and Solum

20 A LEGISLATIVE COMMEMORATION, Honoring the 2016 South Dakota Boys & Girls
21 Clubs of America's Youth of the Year finalists.

22 WHEREAS, Carolyn Blatchford, Boys & Girls Club of Brookings; Orin Thomas Mato
23 Fischer, Boys & Girls Club of the Missouri River Area; Dylan Morris, Boys & Girls Club of
24 Watertown; Ria Gualano, Ellsworth Air Force Base Youth Program; Kristine Tank, Boys &
25 Girls Club of Aberdeen; Jermaine Davis, Boys & Girls Club of the Sioux Empire; and
26 Mackenzie Sarratt, Boys & Girls Club of the Capital Area have been selected to represent their
27 respective Boys & Girls Club in the state Youth of the Year Program; and

28 WHEREAS, the Youth of the Year Program is the Boys & Girls Clubs of the America's
29 premier youth recognition program for members who promote and celebrate service to the Club,
30 community, and family; as well as good academic performance, moral character, life goals, and
31 poise and public speaking ability; and

32 WHEREAS, Disney, Toyota, the University of Phoenix, and the Taco Bell Foundation for
33 Teens generously sponsor the Boys & Girls Clubs of America's Youth of the Year program; and

1 WHEREAS, one of these club members will be selected to represent South Dakota in the
2 national Youth of the Year program; and

3 WHEREAS, these club members have demonstrated exemplary accomplishments in the
4 areas of leadership, community service, character development, academics, fitness, poise and
5 public speaking:

6 NOW, THEREFORE, BE IT COMMEMORATED, by the Ninety-First Legislature of the
7 State of South Dakota, that the Legislature commends all the finalists for their outstanding
8 achievements and extends appreciation to Boys & Girls Clubs of America and all the sponsors
9 for their work in promoting and celebrating these achievements through the Youth of the Year
10 Program.

11 Sen. Ewing moved that the Senate do now adjourn, which motion prevailed and at
12 3:34 p.m. the Senate adjourned.

13 Kay Johnson, Secretary